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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Nile A. Lahr et al.
Serial No: 10/537,326
Filed: August 8, 2006
For: ANNULAR VENTING OF TIRE TREAD MOLD

Exr. Jacob T. Minskey
Art Unit: 1791
Confirmation No.: 1874

Commissioner of Patents
and Trademarks
Alexandria, VA 22313

October 25, 2010

PETITION UNDER 37 CFR § 1.114 (g)

Sir:

Pursuant to the provisions of 37 CFR § 1.114(g) Applicant hereby petitions for approval to file a second Request for Continued Examination in the above-identified patent application and to have the amendment submitted on September 16, 2010 entered.

The amendment to the claims in the Response filed September 16, 2010, was presented in response to an Office Action dated August 13, 2010. In the Office Action dated August 13, 2010, the Examiner cited for the first time the primary reference relied upon in rejecting the claims which were presented with the amendment filed May 24, 2010, such new reference being Sagawa et al., JP 02295706 A. Despite making Sagawa et al. a reference of record for the first time,

the Examiner issued a Final Rejection.

Since the Office Action dated August 13, 2010, issuing the Final Rejection of the claims presented on May 24, 2010, was the first introduction of the Sagawa et al., the Response filed by the undersigned on September 16, 2010 was the first opportunity the undersigned had to present (1) amendments to the claims and (2) arguments to distinguish over Sagawa et al. in response to such rejection. Accordingly, it is respectfully submitted that the amendments to the claims and accompanying arguments presented in the Response filed September 16, 2010, could not have been submitted prior to the close of prosecution resulting from the Office Action dated August 13, 2010, issuing the Final Rejection.

Accordingly, Applicant hereby petitions for approval to file this Request for Continued Examination and to have the Response filed on September 16, 2010 entered.

Fees pursuant to 37 CFR § 1.17 (e) and 37 CFR § 1.17 (f) are forwarded herewith.

Respectfully submitted,

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